

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

HUNT GALLINA and MARY GALLINA,)	
)	
Plaintiffs,)	
)	
vs.)	No. 1:10-cv-01219-JDB-egb
)	
THE CITY OF STANTON, TENNESSEE,)	
THE MAYOR OF STANTON, Individually)	
and in his Official Capacity, CITY OF STANTON)	
PLANNING COMMISSION, Commissioners,)	
Individually and in Official Capacity, CITY)	
ATTORNEY OF STANTON, Individually and)	
in Official Capacity, and AG GRO CROP)	
SERVICES, JIMMY BAIRD, Individually and as)	
Agent/Owner of Ag Gro Crop Services,)	
)	
Defendants.)	

AGREED ORDER OF DISMISSAL WITHOUT PREJUDICE

Pursuant to the Notice of Voluntary Nonsuit [D.E. 48] filed by the Plaintiffs, Hunt Gallina and Mary Gallina, in this cause, the Plaintiffs' claims against the Defendants, City of Stanton, Tennessee, and the City of Stanton Planning Commission, Mayor of Stanton Allan Sterbinsky, and City Attorney Michael Banks, in their individual and official capacities, are hereby dismissed, without prejudice, in accordance with Rule 41 of the Federal Rules of Civil Procedure.

The Defendants' First Requests for Admission to the Plaintiff Hunt Gallina, and Defendants' First Request for Admissions to Plaintiff Mary Gallina are deemed admitted. The Plaintiffs agree that said admissions may be used against them should the Plaintiffs elect to re-file this cause of action against the Defendants.

If Plaintiffs elect to re-file this lawsuit against the Defendants, the Plaintiffs shall pay an attorney fee of \$405.00 representing the cost incurred by Defendants for filing the motion to compel discovery responses.

IT IS HEREBY ORDERED and ADJUDGED.

Enter this, the 12th day of March, 2012.

s/ J. Daniel Breen
UNITED STATES DISTRICT JUDGE

APPROVED FOR ENTRY:

FLIPPIN, COLLINS & HILL, P.L.L.C.

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